



**COPS**

COMMUNITY ORIENTED POLICING SERVICES  
U.S. DEPARTMENT OF JUSTICE

*COPS Tribal Resources Grant Program*

# **COPS Tribal Resources Grant Program 2005 Grant Owner's Manual**

*U.S. Department of Justice*  
Office of Community Oriented Policing Services  
Carl R. Peed, Director



# COPS Tribal Resources Grant Program 2005 Grant Owner's Manual

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This manual was created to assist Tribal Resources Grant Program (TRGP) grantees with administrative and financial matters associated with the grant.

For more information about your TRGP 2005 grant, contact your COPS Tribal Grant Program Specialist. If you do not know the name or telephone number of your Tribal Grant Program Specialist, please contact the COPS Response Center at 800.421.6770.



Office of Community Oriented Policing Services  
1100 Vermont Avenue, NW  
Washington, DC 20530  
(For overnight delivery, please use 20005 as the zip code.)

COPS Online: [www.cops.usdoj.gov](http://www.cops.usdoj.gov)

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# **Getting Started**





## GETTING STARTED

Congratulations on receiving a grant from the Office of Community Oriented Policing Services (COPS). You have received a grant under the COPS Tribal Resources Grant Program, which provides funding directly to Federally Recognized Tribal jurisdictions with established law enforcement agencies or those Federally Recognized Tribes that wish to establish law enforcement agencies. The Tribal Resources Grant Program (TRGP) offers a variety of funding options, including entry-level salaries and benefits of newly hired, additional officers, as well as training, uniforms, basic issue equipment, technology, and vehicles for new and existing police officers. The Tribal Resources Grant Program was designed to expand the implementation of community policing and meet the most serious needs of law enforcement in tribal communities through a broadened comprehensive program.

All officers hired under the TRGP grant program (or an equal number of veteran, locally-funded officers) must engage in community policing. The TRGP grant program is intended to strengthen the overall law enforcement infrastructure in tribal communities.

This Grant Owner's Manual will assist you with the administrative and financial matters associated with your grant. It was developed by the COPS Office to ensure that all COPS Tribal Resources Grant Program grantees clearly understand and meet the requirements of their grants. Please review this manual carefully, because a failure to follow grant requirements can have serious ramifications. Please do not hesitate to call the COPS Office at 800.421.6770 if you need assistance with the implementation of your grant.

Thank you for providing us with the opportunity to work in partnership with your community.

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# **I. Grant Acceptance, Terms and Conditions**





## I. GRANT ACCEPTANCE, TERMS AND CONDITIONS

To officially accept and begin your TRGP grant, your agency must review the Award Document(s) and conditions, sign the Award Document(s) and any applicable special conditions, and return them to:

Office of Community Oriented Policing Services  
Tribal Resources Grant Program  
Control Desk, 8th floor  
1100 Vermont Ave., NW  
Washington, DC 20530  
(For overnight delivery, please use 20005 as the zip code.)

Your agency will not be able to draw down grant funds until the COPS Office receives your original, signed Award Document and signed special conditions, if applicable. Signatures on the Award Document must be original—photocopies, faxed copies, stamps, and/or electronic signatures will not be accepted. For more information on drawing down grant funds, please see Section III, "Accessing Grant Funds."

### The Award Document

The Award Document is the one-page, double-sided document indicating your official grant funding amount, the grant number, the grant conditions, and the award start and end dates.

The Award Document also contains preprinted information of your law enforcement and government officials' names and addresses. If this information is incorrect or has changed, please complete the Change of Information Form provided in the award packet. **Please do not make any changes or corrections to the original Award Document. The COPS Office will not accept an altered Award Document.** Once you have reviewed your Award Document, please sign it, make a copy of both sides for your records, and mail the original document with original signatures (copies cannot be accepted) back to the COPS Office.

Your grant award number is in this format: YEAR-HHWX-0000 for hiring awards and/or YEAR-HEWX-0000 for equipment and training awards. The COPS Office tracks grant information based upon this number. Therefore, it is important to have your agency's grant number (and/or your agency's ORI number or DUNS number) readily available when corresponding with the COPS Office.

Your ORI number begins with your state abbreviation followed by numbers and/or letters (e.g., VA00000). This number is assigned by the Federal Bureau of Investigation for use in tracking information for the Uniform Crime Report (UCR). The COPS Office tracks grant information based upon this ORI number. If your agency does not report UCR data, you will not have an ORI number. In this case, the COPS Office will assign you one (ending in "ZZ") for COPS identification purposes only.

If you have any questions regarding your grant, please refer to your grant award number or your agency's ORI number when you contact your COPS Tribal Grant Program Specialist.

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## **Grant Conditions**

The grant conditions are the terms listed on the back of your Award Document. By accepting this grant, you are entering into an agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS). As part of that agreement, your agency acknowledges it will comply with these grant conditions (and possibly additional conditions specific to your agency). The section that follows describes in detail each of the award conditions, their rationale, and their implications. It also addresses many frequently asked questions.

### ***Reasons for Grant Conditions***

The grant requirements of your Tribal Resources Grant Program grant are established within:

- The Public Safety Partnership and Community Policing Act of 1994 under which the COPS Office was established;
- Applicable rules, regulations, and policies issued by the U.S. Department of Justice, Office of Management and Budget (OMB), the General Accounting Office (GAO), and the United States Treasury; and
- The specific Tribal Resources Grant Program programmatic requirements established by the COPS Office.

A list of source documents for this booklet is provided in Appendix A. You may request copies of any source reference document from:

Office of Administration  
Publication Unit, Room G 236  
New Executive Office Building  
Washington, DC 20503

COPS-specific documents may be requested directly from the COPS Office.

### ***Review of Grant Conditions***

By signing the Award Document to accept this TRGP grant, your agency agrees to abide by the following grant conditions:

#### **1. ALLOWABLE COSTS**

- A. Allowable Costs: Salaries and approved fringe benefits for new additional career law enforcement officers hired or rehired on or after the award start date. Unless a waiver of the local match was granted, the federal share cannot exceed 75% of the total project cost up to a cap of \$75,000 per officer position.

The funding under this project is for the payment of approved entry-level salaries and fringe benefits for three years (for a total of 36 months of funding) for new, additional sworn career law enforcement officer positions hired on or after the award start date. Grant funds may not be applied to portions of salaries above entry-level. Rather, such amounts must be provided for by the grant recipient in addition to the required local match.

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*Why This Condition:* The COPS Tribal Resources Grant Program is a program that can only fund entry-level salaries and benefits for 36 months for the hiring or rehiring of additional career law enforcement officers under the personnel portion of the grant program. Rehires are officers who have been previously laid off because of local budget cuts.

*What You Should Do:* Salaries covered by COPS grants must be based on your agency's standard entry-level salary and benefits packages and paid to newly hired, additional officers hired on or after the grant award start date under the laws or rules governing hiring by your law enforcement agency. Any portion of salaries or benefits above entry-level must be provided by your agency, in addition to the required local match. Salary payments must be based on payroll records supported by time and attendance records or the equivalent. The types of records you must keep to document that you are following this grant condition are described in Section V of this manual. If you plan to use this grant to rehire officers, you must obtain prior approval from the COPS Office.

Fringe benefits may be paid if they are part of a reasonable compensation package offered to your employees and if they fall within the categories authorized by the COPS Office on your Financial Clearance Memorandum, which include FICA, Social Security, health insurance, life insurance, vacation, sick leave, retirement, worker's compensation, and unemployment insurance. Overtime and compensatory time costs are not allowed. However, if you train your officers prior to swearing them in, grant funds may be applied to salaries and benefits paid to the new officers during training. As long as you spend the funds on salaries and benefits that were approved on your Financial Clearance Memorandum, this condition will be satisfied.

Only actual costs incurred during the grant period will be eligible for drawdown. Thus, if your agency experiences a cost savings during the grant period (for example, in your agency's grant application, the salary and benefits for an entry-level officer were overestimated), your agency may not use that money to extend the length of the grant. Rather, any funds remaining after your agency has drawn down for the costs of salaries and benefits incurred during the 36-month funding period for each position will be deobligated during the grant closeout process, and should not be spent by your agency.

B. Allowable Costs: Background Investigations.

Unless a waiver of the local match was granted, the federal share cannot exceed 75% of the total project cost.

Background investigations are mandatory for all TRGP-funded officer positions. The background investigations must be completed before reimbursements for the approved salaries and fringe benefits under the grant can be paid for new hires.

C. Allowable Costs: Training.

Unless a waiver of the local match was granted, the federal share for community policing and grant management training cannot exceed \$600 per officer, and the federal share for basic, specialized, and computer training cannot exceed 75% of the total cost.



Community policing training and grant management training are mandatory for all TRGP grantees that have not been awarded a previous TRGP grant. Community policing training must be completed through one of the Regional Community Policing Institutes (RCPIs) or other training that has been pre-approved by the COPS Office. Grant management training is provided by the COPS Office.

All newly hired, additional officers funded through this grant are required to attend basic training. You must ensure that each newly hired recruit is registered for basic training within six months from their date of hire. COPS funding will pay for only one attempt at basic training. If a recruit fails to pass basic training, any additional costs associated with additional training must be incurred solely by the grantee agency.

D. Allowable Costs: Uniforms and Basic Issue Equipment.

Unless a waiver of the local match was granted, the federal share for these categories cannot exceed 75% of the total cost.

*Uniform*

- Standard attire (uniform shirts, trousers, ties, belts)
- Dress attire (dress coat, dress shirts, dress pants, ties)
- Outerwear (raincoats, coats, jackets, reflective vests)
- Footwear (dress shoes, athletic shoes, boots)
- Hats, caps, or gloves
- Identification badges/other insignia (name plates, etc.)
- Hazmat suits
- Gas masks
- Other standard issue apparel/uniform accessories (subject to approval)

*Basic Issue Equipment*

- Primary issue handgun
- Holster
- Body armor/vest
- Portable radio and holder
- Gun belt and belt accessories
- Pepper spray and holder
- Baton and holder
- Handcuffs and case
- Manuals, reference books, notebooks, etc.
- Other miscellaneous items issued to police recruits (flashlight, templates, whistles, etc.)

E. Allowable Costs: Technology.

Unless a waiver of the local match was granted, the federal share cannot exceed 75% of the total cost.

Allowable technology items include computer hardware, software, mobile data computers, communication systems, NCIC systems, dispatch systems, NIBRS/UCR-compliant data systems, automated booking systems, fingerprint identification systems, records management systems, mobile data terminals, GPS systems, and night vision equipment.

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F. Allowable Costs: Police Vehicles.

Unless a waiver of the local match was granted, the federal share cannot exceed 75% of the total cost.

Allowable items include: police cars, basic vehicle accessory packages, and special conveyances such as sport utility vehicles, bicycles, motorcycles, snowmobiles, and ATVs based on demonstrated need.

G. Unallowable Costs.

This is not an all-inclusive list. The COPS Office reserves the right to deny funding for items that may not have been included in the Tribal Resources Grant Program application kit. You may not apply for nor request to reprogram funds for these items under TRGP:

- Ammunition
- Civilian salaries and benefits
- Construction/renovation costs
- Dictation systems
- Dogs (K-9)
- Electronic Immobilization Devices (Tasers)
- Indirect costs
- Office equipment (copiers, fax machines, etc.)
- Office furniture/supplies
- Office rental space
- Overtime hours for sworn officers or civilians
- Phone lines/utilities
- Radar equipment
- Salaries and benefits of existing employees
- Surveillance equipment
- Televisions/VCRs
- Vehicle leasing or rental agreements
- Vehicle parts, service, or maintenance
- Video cameras (other than vehicle mounted)/film

In addition, this program will not provide funding for any items or position(s) which are funded in the grantee agency's budget with other sources of funding (state, local, or BIA). You may apply only for otherwise unfunded positions or items to supplement your agency's law enforcement budget.

## 2. SUPPLEMENTING, NOT SUPPLANTING

This is a legal requirement of the COPS Office and applies to all allowable items or costs approved under your agency's TRGP award. The nonsupplanting requirement means that COPS grant funds must be used by tribal governments and/or law enforcement agencies to supplement, not replace, state, local, or Bureau of Indian Affairs (BIA) funds that would be made available for law enforcement purposes in the absence of COPS grant funding. This means that Tribal Resources Grant Program funds must be used to increase the amount of state, local, or Bureau of Indian Affairs funds otherwise budgeted for the grant purposes. You may not use COPS funds to pay for any allowable cost that was budgeted for with non-COPS funds, and your agency must not reduce the level of state, local, or BIA funding that would have been dedicated toward the grant-funded items as a result of receiving federal funding.

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*Why This Condition:* The Public Safety Partnership and Community Policing Act of 1994 specifically states that federal funds under COPS programs may not be used to supplant (replace) existing local or state funds (or funds supplied by the Bureau of Indian Affairs) that otherwise would have been made available for law enforcement purposes in the absence of the COPS grant.

*What You Should Do:* As applied to hiring awards, Tribal Resources Grant Program grantees may not use grant funds to pay for any sworn officer positions that the grantee has already committed to fund with state, local, or Bureau of Indian Affairs funds. Instead, the grant funds may be used only to hire and fund new, additional sworn officer positions after the official award start date to increase the grantee's total number of sworn law enforcement positions. For example, if a TRGP grantee committed to hire ten new officer positions with Bureau of Indian Affairs funds prior to receiving a TRGP grant for five officer positions, then the grantee must hire those ten officer positions with committed Bureau of Indian Affairs funds and then also hire five additional officers with the TRGP funds.

As applied to training and equipment awards, grantees may not use TRGP funding for any item such as a vehicle or officer training if that item or cost was otherwise budgeted with tribal, state, local, or Bureau of Indian Affairs funds, or committed to the grantee's budget. TRGP funds may not be used to purchase any items prior to the official grant award start date.

In addition, grantees may not reallocate state, local, or Bureau of Indian Affairs funds from one area within the law enforcement budget to another as a result of applying for or receiving TRGP funds. For example, grantees who have budgeted funds to pay for ten new, additional officer positions may not reallocate those funds to pay for any other law enforcement cost as a result of applying for or receiving TRGP funds for additional officer positions. Also, grantees may not reallocate funds from within their law enforcement budget to pay for the required local match to the TRGP grant, but must obtain other sources of local match funds in addition to the state, local, or Bureau of Indian Affairs funds which otherwise would be budgeted for law enforcement purposes.

To meet this grant condition, you will need to ensure that:

- Each officer that you hire under the COPS Tribal Resources Grant Program is newly hired on or after the award start date. You may not fill the TRGP-funded position with any officer hired prior to the award start date unless an exception is authorized in writing by the COPS Office.
  - The officer(s) that you are hiring brings your force to a number over and above your budgeted (funded) sworn force as of the date of your TRGP 2005 grant application, plus any positions budgeted with state, local, and/or BIA (non-COPS) funds during the grant period.
  - During the life of your grant, you must continue to hire as many new, locally (non-COPS) funded officers as you would have if you had not received your grant. [You may not cancel or postpone spending money in your budget that is committed to hiring other new officers as a result of receiving a TRGP grant.]
  - You must take positive and timely steps to fill vacancies and locally-funded sworn officer positions that were created on or after your grant award date by retirement, resignation, or other reasons with new locally (non-COPS) funded officers.
  - No items that are authorized to be purchased with TRGP funds, such as training, technology, or equipment, for example, can be purchased prior to the official grant award start date.
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- You must not reduce or reallocate state, local, and/or BIA funding dedicated to law enforcement training, equipment, and/or technology as a result of receiving TRGP funding.

### 3. RETENTION

Your agency is expected to implement its plan to retain the positions funded by the COPS Tribal Resources Grant Program at the conclusion of the 36-month grant term. Your agency is required to retain, for one full local budget cycle after the expiration of the grant funding period, each COPS-funded grant position.

The retention requirement is a condition of the TRGP grant. When your agency accepts officer positions under this COPS program, it must plan to commit to retaining the additional COPS-funded officer positions once the 36-month COPS grant period ends. COPS-funded positions must be retained over and above the number of locally-funded officer positions that the agency would fund regardless of the grant. Officer positions must be retained with state, local, and/or other (non-COPS) funds for one full local budget cycle after the expiration of the 36-month grant funding period for each officer position awarded. These positions must be retained using state, local, tribal, or other (non-COPS) funding. You cannot use attrition to meet the retention requirement. If a grantee is unable to retain at the end of the grant period, they may request an exemption from the retention requirement based on severe fiscal distress. Any exemptions from the retention requirement must be authorized in writing by the COPS Office.

*Why This Condition:* The Public Safety Partnership and Community Policing Act of 1994 envisions that positions for officers should be maintained by localities beyond the federal funding period. The local match and the provision of a decreasing federal share were established to enable communities to adequately plan for paying the salaries and benefits of the new officers without burdening them with the full cost of hiring a new officer. It is up to your agency to determine how the federal share decreases from year to year. Please refer to your application budget information sheet that you provided to the COPS Office to review your proposed federal/local share plan.

*What You Should Do:* Your retention plan should focus on maintaining the newly hired, additional officer position(s) rather than a specific officer for a minimum of one full local budget cycle beyond the 36-month life of the grant per position. If, for any reason, the officer originally filling the position funded by the COPS Tribal Resources Grant Program grant leaves your department during the retention period, you are required to fill the position with a new locally (non-COPS) funded officer.

### 4. REPORTS

To assist the COPS Office in the monitoring of the award, your agency will be responsible for submitting periodic reports regarding both the programmatic and financial progress of the grant.

*Why This Condition:* The Public Safety Partnership and Community Policing Act of 1994 and other federal regulations require that financial assistance provided by the federal government be monitored carefully to ensure the proper use of funds. In addition, the COPS Office seeks to document, on a continuing basis, the progress of our programs and grantees.

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*What You Should Do:* This grant condition is to make you aware of the reporting requirements associated with TRGP grants. For more information on reporting, please see Section VII of this manual.

## 5. EXTENSIONS

The COPS Office does not offer extensions that provide additional federal funds for your TRGP award. However, a no-cost time extension can be requested. The extension request should be submitted in writing to your Tribal Grant Program Specialist within 90 days of the official end date of the award. Extension requests must be received prior to the end date of the award.

*Why This Condition:* Under federal regulations, requests to extend the grant period require prior written approval from the COPS Office. Without an approved extension, your funding will automatically stop at the end of the original grant period.

*What You Should Do:* The COPS Office will mail an Extension Request Worksheet to your agency in the last quarter of your TRGP grant. If your agency needs more time to complete the grant, simply complete the form and mail or fax it back to:

U.S. Department of Justice/COPS  
Attn: Tribal Resources Grant Program Control Desk  
1100 Vermont Avenue, NW  
Washington, DC 20530  
Fax: 202.514.9272

Requests to extend the grant period must be received by the COPS Office before the end date of the award. Failure to submit a request for a no-cost extension by the end date of the award may result in the immediate deobligation of any remaining grant funds.

## 6. GRANT MODIFICATIONS

Occasionally, a change in an agency's fiscal situation or law enforcement needs necessitates a change in its TRGP award. For example, your agency was awarded two additional full-time officer positions, but now prefers to modify the grant award to one full-time and two part-time positions due to changing law enforcement needs. A modification to an equipment grant might occur if your agency is awarded a desktop computer, but would now like to modify the awarded item to a laptop computer due to changing law enforcement needs.

Grant modifications under TRGP are evaluated on a case-by-case basis. All modification requests must be approved, in writing, by the COPS Office prior to their implementation. In addition, please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds. You must seek prior approval if you plan to make grant changes relating to any of the following issues:

- Changes in grant officer position(s);
  - Salary and benefit changes;
  - Budget changes (e.g., your agency was awarded four computers but now wants to purchase five with the same amount of funding);
  - Changes in plans to retain the COPS-funded officer position(s) at the conclusion of the federal grant term;
  - Major programmatic changes, such as changes to your community policing plan.
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*Why This Condition:* Under federal regulations, you may expend grant funds only as approved in the Financial Clearance Memorandum. Any requests to change or alter grant awards require prior written approval. Without prior written approval, you must continue to implement your grant as it was originally awarded and accepted by your agency.

*What You Should Do:* If you wish to modify your grant award, you must submit a written request on your agency's letterhead referencing your grant number, the proposed change(s), and details of why the change is needed. Please submit a new budget detailing the proposed changes and accounting for all total project costs. In addition, please be aware that the COPS Office will not approve any modification requests that result in an increase in federal funds. The COPS Office will evaluate your request and notify your agency in writing of our decision. Your agency must wait until receiving written approval from the COPS Office before implementing the proposed changes to the grant. Please call your Tribal Grant Program Specialist at 800.421.6770 for additional assistance.

## 7. EVALUATIONS

The COPS Office may conduct or sponsor national evaluations of the community policing activities of its grantees and other COPS-funded initiatives. The grantee agrees to cooperate with the evaluators.

*Why This Condition:* The Public Safety Partnership and Community Policing Act of 1994 states that evaluations of the program may be carried out or commissioned by the Attorney General for the furtherance of the purposes of the Act. The COPS Office conducts evaluations to determine what programs are working, how programs may be improved, and why certain programs are working better than others.

Specifically, the COPS Office may assess the way in which your agency implements its community policing program. In some jurisdictions, COPS staff or evaluators may study the effectiveness of funded programs, projects, and activities. Evaluators may collect information about the programs' effect on crime, victims of crime, and the quality of life in communities. In addition, they may ask questions about how residents feel about community policing and how police feel about their work. This information will be useful to other communities and police agencies across the country.

*What You Should Do:* When evaluations are undertaken, you may be contacted in writing with specific requests for information. In general, evaluators may need to speak with individuals in your department, observe activities of your department, and obtain written reports about and from your department. You will be asked to facilitate any site visits and information-gathering activities. In addition, you will be asked to provide accurate and timely information about your grant activities.

## 8. TERMS, CONDITIONS AND REGULATIONS

The grantee agrees to abide by the terms, conditions, and regulations as found in the COPS Tribal Resources Grant Program Grant Owner's Manual; the COPS statute (42 U.S.C. §. 3796dd); OMB Circulars A-87, A-21, A-122 or the Federal Acquisition Regulations, as applicable (governing cost principles); OMB Circulars A-102 (28 C.F.R. Part 66) or A-110 (28 C.F.R. Part 70), as applicable (Uniform Administrative Requirements for Grants and Cooperative Agreements); OMB Circular A-133 (governing audits); and with all applicable program requirements, laws, orders, regulations, or circulars.



*Why This Condition:* This manual has been designed to inform you of the laws, regulations, and policies that apply to your grant. Your agency will be responsible for the information and rules contained in this manual. More detailed guidance can be requested through your Tribal Grant Program Specialist.

*What You Should Do:* Please read the entire COPS Tribal Resources Grant Program Grant Owner's Manual carefully prior to signing the grant Award Document. If you have any questions, please contact your COPS Tribal Grant Program Specialist. When accepting your grant award, you should ensure that the proper reporting and financial systems are in place to satisfy the grant requirements.

## 9. CONTRACTS WITH OTHER JURISDICTIONS AND GRANT BENEFITS

Officers funded under the TRGP grant may only be involved in activities or perform services that exclusively benefit your agency and the population that it serves. Likewise, equipment, technology, training, and vehicles awarded may only be used for law enforcement activities or services that exclusively benefit your agency and the population that it serves. Equipment, technology, and vehicles funded under the TRGP grant cannot be utilized by other agencies unless it would exclusively benefit the population that your agency serves.

*Why This Condition:* The TRGP grant program was created under a Congressional appropriation specifically designated for tribal law enforcement agencies to improve public safety in Indian communities.

*What You Should Do:* Your law enforcement agency should avoid any agreements with other jurisdictions to share officer positions, or other awarded equipment, technology, and/or vehicles, unless the agreement complies with the requirement that COPS-funded officer positions or other items must exclusively benefit the grantee service population. For example, if your jurisdiction has both a tribal police department and a Bureau of Indian Affairs (BIA) Department, items funded under the grant might be able to be utilized by the BIA department as long as this would result in an exclusive benefit to the population that you serve. You may not, however, allow equipment, technology, or vehicles funded under the grant to be utilized by any agency or transferred to any agency that does not exclusively benefit the population that you serve. For example, you cannot during the grant term loan two of your awarded computers to a neighboring county's sheriff's department. Before you enter into any agreement with another law enforcement agency, you should contact your COPS Tribal Grant Program Specialist at 800.421.6770 for additional guidance.

## 10. CRIMINAL INTELLIGENCE SYSTEMS

Grantees using TRGP funds to operate an interjurisdictional criminal intelligence system must comply with the operating principles of 28 C.F.R. Part 23.

*Why This Condition:* If your agency receives TRGP grant funding for equipment or technology that will be used to operate an interjurisdictional criminal intelligence system, you must comply with the operating principles found at 28 C.F.R. Part 23. An "interjurisdictional criminal intelligence system" is generally defined as a system which receives, stores, analyzes, and exchanges or disseminates data regarding ongoing pre-arrest criminal activities (examples of such activities include, but are not limited to, loan sharking, drug or stolen property trafficking, gambling, extortion, smuggling, bribery, and

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public corruption) and shares this data with other law enforcement jurisdictions. 28 C.F.R. Part 23 contains operating principles for these interjurisdictional criminal intelligence systems which protect individual privacy and constitutional rights.

If your agency will use the TRGP equipment or technology grant funds simply to operate a single agency database (or other unrelated forms of technology) and will not share pre-arrest criminal intelligence information data with other jurisdictions, 28 C.F.R. Part 23 does not apply to this grant.

*What You Should Do:* All TRGP grantees were required to agree to the Criminal Intelligence Systems/28 C.F.R. Part 23 Compliance Special Condition as part of the TRGP application kit so that the COPS Office can track which agencies intend to use their TRGP funds to operate interjurisdictional criminal intelligence systems. If your agency intends to use TRGP funds to operate an interjurisdictional criminal intelligence system, you should have indicated this in your application and certified your agency's agreement to comply with the operating principles found at 28 C.F.R. Part 23. Your agency now must comply with 28 C.F.R. Part 23 in operating the interjurisdictional criminal intelligence system funded by the TRGP grant.

## 11. SOLE SOURCE JUSTIFICATION

Grantees who have been awarded funding for the procurement of an item (or group of items) in excess of \$100,000 and who have already identified a vendor through a non-competitive process must provide a written sole source justification to the COPS Office prior to obligating, expending, or drawing down grant funds for that item.

*Why This Condition:* In general, grant recipients are required to procure funded items through open and free competition. However, in some instances, grantees may already have determined that competition is not feasible.

*What You Should Do:* If you have received an award for an item (or group of items) or service in excess of \$100,000, and have already identified a vendor through the solicitation of only one source, you must provide a written justification that explains why it is necessary to contract noncompetitively. [See Section II, "Procurement Process," for more information.]

The COPS Office will review your request and the supporting information that you provide and will make a determination as to whether or not an exception can be granted to the general rule regarding competition. Please use the format described in Section II, "Procurement Process," when submitting your sole source justification to your Grant Program Specialist.

## 12. COMMUNITY POLICING

TRGP grants must be linked to the implementation or enhancement of community policing. All newly hired, additional officers (or an equal number of redeployed veteran officers) under the TRGP grant must engage in community policing. All equipment and technology items must be used to enhance community policing as outlined in your application.

*Why This Condition:* Community oriented policing is a policing philosophy that promotes and supports organizational strategies to address the causes and reduce the fear of crime and social disorder. This is achieved through problem-solving approaches and community-police partnerships. It enhances police professionalism by providing officers with the skills,



technology, and motivation to act in innovative ways to solve community crime-related problems. Among other things, the COPS Office is charged with fulfilling the mandates under the Public Safety Partnership and Community Policing Act of 1994 in regards to enhancing community policing.

*What You Should Do:* You should ensure that any newly hired, additional law enforcement officers under the TRGP grant (or an equal number of redeployed veteran officers) engage in community policing. In addition, any training, equipment, or technology awarded must enhance your agency's ability to implement or enhance community policing. How community policing will be implemented or enhanced by such items was stated in your grant application and you will be required to adhere to these plans as outlined in your application. Significant changes to the community policing activities identified in your grant application must receive prior written approval from the COPS Office. Changes are "significant" if they deviate from the range of possible community policing activities identified and approved in your grant application. If your agency needs training in the community policing philosophy, please contact your COPS Grant Program Specialist.

### 13. TRAINING

Basic law enforcement training is mandatory for all newly hired, additional law enforcement officers hired under the TRGP grant. Officers must be registered for basic training within six months from their date of hire. In addition, for those grantees who have not previously been awarded a TRGP grant, community policing and grant management training are mandatory. Grantees must send at least two representatives to community policing training, and two representatives to grant management training.

*Why This Condition:* The TRGP grant program is designed to increase police professionalization and officer training in tribal communities.

*What You Should Do:* You should ensure that any officer hired with TRGP funds be registered for basic training at a recognized training provider (such as the BIA Indian Police Academy or a state police academy) within six months from their date of hire. COPS TRGP funds will pay for one attempt per officer at basic training. You should ensure that at least two representatives from your agency attend COPS-sponsored community policing and grant management training.

### 14. GRANT MONITORING ACTIVITIES

The COPS Office performs various functions to ensure compliance with all grant requirements, to assess the implementation of community policing in awarded jurisdictions, and to provide technical assistance to grantees. Grant monitoring activities are routine during the grant period and may occur up to three years following the end of the grant funding. These functions, and others, often require the production of grant-related documentation and other materials. As a COPS TRGP grantee, you agree to cooperate with any such request for information.

*Why This Condition:* The Public Safety Partnership and Community Policing Act of 1994 states that each grant program must contain a monitoring component. The COPS Office actively monitors how grantees are adhering to COPS grant requirements and develops the best technical assistance based on this feedback.

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*What You Should Do:* Your agency may be required to accommodate routine and non-routine efforts by the COPS Office, or an entity designated by COPS, to examine your agency's use of federal funds, both programmatically and financially. The most common ways are:

- 1) Site Visits - Certain grants are selected for on-site monitoring visits. If selected, your agency will be notified in writing in advance of any on-site review of your COPS grants. This review is generally performed over a one or more day period and also provides an opportunity for agency representatives to seek assistance on any grant implementation issues. Your agency will be notified in writing of the result and any action required to remedy identified grant violations.
- 2) Office Based Grant Reviews (OBGRs) - Certain grants are selected for a review conducted at the COPS Office. If selected, your agency will be contacted at the start of this review and our staff will correct any grant problems or deficiencies through telephone, fax and/or written correspondence with your agency.
- 3) Complaints - The COPS Office responds to complaints from citizens, labor associations, media, and other sources. Written complaints or allegations are reviewed by the COPS Office Grant Monitoring Division, and may result in a review of your agency's grants to determine compliance with grant conditions.

Grantees are responsible for remedying any grant noncompliance that is identified through these or other monitoring or auditing activities. Remedies for noncompliance may include, but are not limited to: suspending grant funding, repaying misused grant funds, voluntary withdrawal from or involuntary termination of remaining grant funds, and bars from receiving future COPS grants. To avoid findings of noncompliance, grantees are strongly encouraged to contact the COPS Office at any time during the life of a COPS grant with questions concerning grant requirements and also to maintain all relevant documentation that may demonstrate grant compliance. For more information, please contact the COPS Office Grant Monitoring Division at 1-800-421-6770 or 202-514-9202.

## 15. ASSURANCES AND CERTIFICATIONS

The grantee acknowledges its agreement to comply with the Assurances and Certifications forms that were signed and submitted as part of your TRGP application.

*Why This Condition:* Although the U.S. Department of Justice has made every effort to simplify the process of applying for and receiving grants, there are a number of important laws that attach to receiving a federal grant, including some laws that require your agency's certification. Most of these laws apply to all grants provided by the federal government.

*What You Should Do:* Each agency signed the Assurances and Certifications forms at the time of application for TRGP program funding. Your agency is responsible for reviewing these documents and ensuring that the terms are fulfilled. Additional copies of the Assurances and Certifications forms are contained in Appendices B and C of this manual. If you have any questions about them, please contact your Grant Program Specialist at the COPS Response Center at 800.421.6770.





## 16. EMPLOYMENT ELIGIBILITY

The grantee agrees to complete and keep on file, as appropriate, a Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.

*Why This Condition:* Under federal immigration law, all employers are required to take certain steps to ensure that persons that are hired are legally permitted to work in the United States. The Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9) outlines the types of documents that an employer should review to confirm that a new hire is eligible to be employed.

*What You Should Do:* You do not need to submit any documentation to the COPS Office to satisfy this condition. Rather, you should complete and maintain the I-9 forms for all new employees under the guidelines set forth by the Bureau of Citizenship and Immigration Services. For further information about this requirement, you may call the Office of Business Liaison at 1-800-357-2099 or the National Customer Service Center at 1-800-375-5283.

## 17. FALSE STATEMENTS

False statements or claims made in connection with COPS grants may result in fines, imprisonment, debarment from participating in federal grants or contracts, and/or any other remedy available by law.

*Why This Condition:* The condition advises grant recipients of the consequences of submitting false claims or statements on applications, required progress and Financial Status Reports, or other grant documents.

*What You Should Do:* Ensure that all documentation related to your agency's receipt and use of grant funding (grant applications, progress reports, Financial Status Reports, etc.) is true and accurate.

### ***What are the specific rules regarding termination of grant funding?***

The COPS Office has the right to sanction or terminate your project when there is reason to believe that you:

- Are not substantially complying with the grant requirements or other applicable provisions of federal law;
  - Are failing to make satisfactory progress toward the goals or strategies outlined in your application;
  - Are not adhering to grant requirements or conditions;
  - Are proposing substantial plan changes to the extent that, if originally submitted, would have resulted in the application being denied funding;
  - Are not submitting financial or programmatic reports in a timely manner;
  - Are filing false statements or certifications in connection with an application, periodic report, or other grant-related documents; and/or
  - Are providing other good cause for sanctions or termination as determined by the COPS Office.
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In these instances, the COPS Office may:

- Temporarily withhold payments pending correction of the situation by your agency;
- Disallow all or part of the cost of the activity or action not in compliance;
- Wholly or partly suspend or terminate your grant;
- Require that some or all of the grant funds be remitted to the U.S. Department of Justice;
- Condition a future grant or elect not to provide future grant funds to your agency until appropriate actions are taken to ensure compliance;
- Withhold or bar your agency from obtaining future awards;
- Recommend civil or criminal enforcement by other agencies; and/or
- Take other remedies that may be legally available.

In the event that sanctions are imposed or your grant is terminated, your agency will be notified in writing of our decision and the reason(s) for that decision.

## ACCEPTING THE GRANT AWARD

After you have reviewed the conditions of your Tribal Resources Grant Program award and your agency agrees with these conditions, you are ready to accept the award. The Director of the COPS Office has signed the Award Document indicating approval of your grant, an obligation of federal funds to your organization, and our commitment to the award. As stated at the beginning of this section, to officially begin your grant and draw down your funds, the **authorized officials** (see Section X, "Glossary") must sign the Award Document and return the **original** document to:

Tribal Resources Grant Program Control Desk  
U.S. Department of Justice  
Office of Community Oriented Policing Services (COPS)  
1100 Vermont Avenue, NW  
Washington, DC 20530  
(For overnight delivery, please use 20005 as the zip code.)

Since COPS is required to maintain the original Award Document with original signatures in our files, faxed or altered copies of the Award Document cannot be accepted.

### *Who should sign the Award Document for our agency?*

The "authorized officials" are the law enforcement and government executives who have **ultimate and final** responsibility for all programmatic and financial decisions regarding this grant as representatives of the legal grantee. COPS grants require that **both** the top law enforcement executive (e.g., Chief of Police, Director of Public Safety, or equivalent) and the top government executive (e.g., Tribal President, Governor, or equivalent) sign the Award Document. For non-law enforcement agencies (universities, private organizations, etc.), the authorized officials are the programmatic and financial officials



with ultimate signatory authority to sign contracts on behalf of your organization. Typically, these are the same executives who signed the forms located in your TRGP application package (if one or both of these individuals have changed, please complete a Change of Information form and submit it to the COPS Office). If you have any questions as to who should sign the award, please contact your jurisdiction's local legal advisor.

***When must the Award Document be returned?***

Please return the original signed Award Document within 90 days of receipt. Grant funds will not be released until we have received your agency's original signed Award Document, your budget has received final clearance, and any other relevant grant conditions particular to your agency have been satisfied. Failure to submit your signed Award Document within the 90-day award acceptance period may result in your TRGP award being withdrawn and the funds deobligated without additional notification. If your agency requires an extension for accepting the award beyond the 90-day acceptance time frame, please submit a written request to your Tribal Grant Program Specialist. Be sure to explain the circumstances that prevent your agency from returning the Award Document within the 90-day period, and identify the date by which the Award Document will be signed and mailed to the COPS Office. The COPS Office will review such requests on a case-by-case basis. The COPS Office reserves the right to deny requests to extend the 90-day award acceptance period.

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## **II. Procurement Process**





## II. PROCUREMENT PROCESS

As described in Grant Condition #11, grantees will be required to submit a Sole Source Justification (SSJ) request if a competitive bidding process will not be possible and the threshold of \$100,000 for goods or services procured from a sole source is met. The COPS Office will review your request and supporting information to determine whether an exception can be granted to the general rule of open competition. Written approval from the COPS Office for the use of a sole source must be received prior to purchasing items or services, obligating funding for a contract, or entering into a contract with grant funds. All grantees are expected to review and abide by 28 C.F.R. Part 66.36 Procurement (or 28 C.F.R. Part 70.40 - 70.48 for institutions of higher education, hospitals and other non-profit organizations) in determining if an SSJ must be completed. Please contact your Tribal Grant Program Specialist at 1.800.421.6770 for further assistance with this federal regulation.

The initial determination that competition is not feasible can be made if one of the following circumstances exists:

1. The item (or group of items) or service is available only from a single source;
2. A competitive solicitation would create an undesirable delay affecting the grantee's ability to meet program requirements;
3. A number of sources were solicited but were considered inadequate.

If your agency is submitting the written request for approval for a Sole Source Justification, the documentation should follow the format provided below.

**Paragraph 1** - A brief explanation of the program and what requested goods or services will be procured without competition (from a sole source).

**Paragraph 2** - An explanation of why it is necessary to procure non-competitively, including the following information:

- Expertise of contractor/consultant/manufacture
- Management
- Responsiveness
- Knowledge of program
- Experience of contractor/consulting/manufacturing personnel
- Results of a market survey to determine competition availability, or, if one was not conducted, an explanation of why your agency did not do so.

**Paragraph 3** - Time Constraints

- When goods or services are required and why
- Impact on the program if dates are not met
- How long it would take another contractor/consultant/manufacture to reach the same level of competence (equated to dollars, if possible).

**Paragraph 4** - Uniqueness.

**Paragraph 5** - Other points that should be covered to justify the sole source.

**Paragraph 6** - A declaration that this action is in the "best interests" of the agency.



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## **III. Accessing Grant Funds**







### III. ACCESSING GRANT FUNDS

This section provides answers to payment-related questions. Your award packet contains a number of financial documents including all the information needed to set up your payment method. For assistance with financial management and grant administration, please refer to the COPS Office's *Grant Monitoring Standards and Guidelines*, available online at [www.cops.usdoj.gov](http://www.cops.usdoj.gov) or by calling the COPS Response Center at 800.421.6770.

#### **Payment Methods**

For first-time grantees, there is only one method of payment available to you for accessing your federal funds - the Phone Activated Paperless Request System, or PAPRS. Existing grantees that are already using PAPRS for previously awarded grants must also use PAPRS for the TRGP program. Only existing grantees that are currently using LOCES for previously awarded COPS grants can elect to continue to use LOCES for any new grants.

##### **A. PAPRS (Phone Activated Paperless Request System)**

PAPRS enables grantees to use their touch-tone telephone to request funds. Approved payment requests will be automatically scheduled for payment by the U.S. Treasury Department. The system also provides online information to grantees about the status of their requests. If you do not have a touch-tone telephone, please contact the COPS Response Center at 800.421.6770 for further instructions of the payment process. If you need to request a reprinted PAPRS package, please contact the Office of the Comptroller, Office of Justice Programs at 800.458.0786.

##### *How do we set up a PAPRS account?*

If you are a new grantee to the COPS Office, you should receive a packet of financial documents shortly after COPS receives your signed Award Document. This packet will contain all of the information that your agency needs to set up your payment method. You will receive a PAPRS user's manual under separate cover from the Office of the Comptroller, Office of Justice Programs (OJP). Once you receive your OJP Vendor Number (which may or may not be the same as your taxpayer identification number), PIN number, and Grant ID number, you can follow the directions in the user's manual to access your funds.

##### **B. LOCES (Letter of Credit Electronic Certification System)**

Only existing grantees who are currently using LOCES for previously awarded COPS grants can elect to use LOCES for any new grants. LOCES is a modem communication system that allows recipients of COPS funds to electronically request payment from any of their grant funds, and receive direct deposit to their bank accounts within 48 hours. You will need a computer with a dedicated modem in order to use this system.

1. To make requests for payments through LOCES, you must have a personal computer operating DOS 3.1 or higher. We recommend at least a 28.8-baud modem.
2. Complete and return the LOCES Automation Survey Form. Upon receipt, your LOCES software will be customized for your use and forwarded to you.



3. Complete an ACH Vendor / Miscellaneous Payment Enrollment Form (SF-3881) and forward it to your bank.

If you have any questions about LOCES, contact the COPS Response Center at 800.421.6770.

## **Setting Up Your Account**

### *How do we fill out the payment enrollment forms?*

In the packet of financial documents you received is an Automated Clearinghouse (ACH) Vendor / Miscellaneous Payment enrollment form (SF-3881). The ACH Vendor / Miscellaneous Payment enrollment form needs to be completed regardless of the payment method. Prior to accessing your grant funds, you must mail the original form to:

Office of Justice Programs  
Office of the Comptroller  
810 7th Street, NW 5th Floor  
Washington, DC 20531

The COPS Office has completed the "Agency Information" section of this form. Your agency must complete the "Payee / Company Information" section following the directions on the back of the form. You also need to provide the grant number (printed on the Award Document) on this form. Next, your financial institution must complete the "Financial Institution Information" section and have the appropriate financial official sign the form.

If you are already a COPS grantee, you should already have selected one of the two payment methods and completed an ACH Vendor / Miscellaneous Payment enrollment form. However, your agency will be required to complete and submit a new ACH enrollment form with each new grant awarded. If you have any questions, please call the COPS Response Center at 800.421.6770.

### *When should Financial Status Reports be filed?*

After your agency returns the signed Award Document to the COPS Office, you are required to begin submitting quarterly Financial Status Reports (FSRs) using a Standard Form 269A (SF-269A). This report reflects the actual monies spent and unliquidated obligations incurred by your agency. You will not be able to draw down from your grant account if the SF-269A for the most recent reporting quarter is not on file with the COPS Office by the deadline date.

For information as to how to complete and where to submit your quarterly FSRs, see Section VII of this Grant Owner's Manual, entitled "Reports."

## **Additional Payment Questions**

### *Can we receive advances?*

Yes. If you receive funds through electronic transfer, the period allowed is ten (10) days in advance. In general, the concept of "minimum cash on hand" applies to COPS grants.



This concept requires that your agency request funds based upon immediate cash disbursement needs. You should time your request for payment to ensure that federal cash on hand is the minimum that you need. There should be no excess federal grant funds on hand, except for approved advances not exceeding ten days, as discussed above.

The federal government has four basic rules regarding advances. Advances can be terminated if the grantee:

- Is unwilling or unable to attain project goals;
- Maintains excess cash on hand;
- Does not adhere to the terms and conditions of the grant; or
- Fails to submit reliable and/or timely reports.

#### *How often do we request reimbursement of costs?*

There are no limitations on how often your agency may request reimbursements. However, only reimbursements for allowable training, technology, equipment, and actual salaries and benefits of TRGP officers can be made. Please refer to your Financial Clearance Memorandum(s) for an outline of your allowable costs. As a general guideline, most agencies request reimbursement on a monthly or quarterly basis.

#### *Can we earn interest on our grant funds?*

Your agency should minimize the time between your drawdown of grant funds and your payment of grant costs to avoid earning excess interest on your grant funds. You must account for interest earned on advances of federal funds as follows:

- Local units of government may keep interest earned on all advances of federal funds up to \$100 per federal fiscal year in the aggregate. Interest earned in excess of \$100 must be remitted promptly, but at least quarterly, to the U.S. Department of Health and Human Services, Payment Management Systems, P.O. Box 6021, Rockville, MD 20852.
- Except as provided in 28 C.F.R. 70.22(l), nonprofit organizations may keep interest earned on all advances of federal funds up to \$250 per federal fiscal year in the aggregate. Interest earned in excess of \$250 must be remitted annually to the U.S. Department of Health and Human Services, Payment Management Systems, P.O. Box 6021, Rockville, MD 20852.
- State governments, including any agency or instrumentality of a state, should follow the provisions of the Intergovernmental Cooperation Act (31 U.S.C. 6501 et. seq.) pertaining to the disposition of interest earned on federal funds.



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## **IV. Meeting the Local Match**





## IV. MEETING THE LOCAL MATCH

The COPS Tribal Resources Grant Program provides up to 75 percent of the cost of allowable items. TRGP grantees are responsible for at least 25 percent of the total cost of allowable items unless the local match requirement has been waived in whole or in part, and has been approved in writing from the COPS Office. The match must be a cash match made from tribal, local, state, or other non-COPS funds. Federal funds (other than COPS Office funds) may be used to meet your local match only if the federal funds are authorized by statute for that purpose and approved by the federal agency providing those funds and the COPS Office.

For Equipment and Training grants, contributions may be applied at any time during the life of your grant, provided that the full matching share is obligated by the end of the grant period. If you were awarded a hiring grant, as a percentage of the total the local share must increase every year during the grant period and the federal share must decrease. The local match may not be paid from funds already budgeted for a specific law enforcement purpose (you may not reallocate funds from within your law enforcement budget to pay the local match). The local match must be in addition to funds previously budgeted for specific law enforcement purposes.

### Matching Funds

#### *What are some sources of matching funds?*

Sources for match requirements may include:

- Program income funds from asset forfeitures;
- Funds from state, local, and/or tribal governments that are committed to matching funds for your program;
- Funds from federal programs whose statutes specifically authorize their use as matching funds, such as the Housing Community Development Act of 1974, the Equitable Sharing Program or Bureau of Indian Affairs Funding; or
- Funds contributed by private sources.

#### *When and how must the match be made?*

For Equipment and Training grants, matching contributions may be applied at any time during the life of your grant provided that the full matching share is obligated by the end of the grant period. If you were awarded a three-year hiring grant, as a percentage of the total, the local share must increase every year during the grant period and the federal share must decrease. This means that if you received \$60,000 from the federal government for your COPS TRGP officer, you could spend the federal share at \$38,000 for year one, \$15,000 for year two, and \$7,000 for year three and meet this requirement. If you have any questions about adjusting your match from what is stated in your budget, please contact your Tribal Grant Program Specialist or Staff Accountant.

#### *Should I maintain records of the match?*

Yes, your agency must maintain records of your local share. These records should clearly show the source of the match, the amount of the match, and when the match was contributed. This is necessary to establish that the matching funds were not previously



budgeted for law enforcement purposes and were contributed during the grant period. You do not need to provide these supporting documents to the COPS Office, but such records must be produced in the event of an audit or site visit. In addition, grantees are required to report the amount of local match contributed on the quarterly Financial Status Report SF-269A under "line B."

## **Waivers of the Local Match**

### *Can the matching requirement be waived?*

To maximize the number of communities that can take advantage of COPS grants, only a small portion of local match waiver requests are actually granted. Waiver requests are typically considered when a jurisdiction makes the request at the time of application. Applicants that were able to provide satisfactory documentation of severe fiscal distress may be granted waivers. Post-award waivers will be considered only under the most extreme circumstances and are subject to funding availability.

### *How are waivers granted?*

It is the responsibility of the waiver applicant to demonstrate extreme fiscal distress and its negative impact on the agency's ability to adequately provide law enforcement services to its jurisdiction. Waivers are evaluated on a case-by-case basis, and are based on an agency's ability to demonstrate severe fiscal distress and how it has adversely impacted law enforcement services. Any agency requesting a waiver of the local match must submit relevant documentation to support the request. Relevant factors reviewed in a waiver request may include:

- Budgetary imbalance or expenditure cutbacks resulting in significant reductions in other services provided by the applicant;
  - Significant downgrading of the applicant's bond rating due to fiscal distress;
  - Bureau of Indian Affairs funding cuts that have negatively impacted your jurisdiction's ability to serve tribal community members and have caused financial hardship;
  - Other federal or state funding cuts that have negatively impacted your jurisdiction's ability to serve tribal community members and have caused financial hardship;
  - Funding cuts that have caused:
    - Lay-offs within the tribal government
    - Lay-offs within the police department
    - A reduction in necessary overtime expenses for your law enforcement agency
    - A reduction in your law enforcement agency's ability to purchase necessary supplies, equipment, and/or vehicles;
  - Loss or relocation of a major employer or job layoffs which have a significant economic impact on the applicant;
  - Private enterprises in which the tribal government engages that are currently experiencing financial hardship;
  - Budget deficit within the tribal community;
  - Poverty rate within the tribal community;
  - Unemployment rate within the tribal community;
  - Location within an area in which a declaration of major disaster has been made pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act;
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- A natural disaster that has recently affected your tribal lands and has caused financial hardship;
- Extraordinary and/or unanticipated non-recurring expenses and/or loss of revenue resulting in severe financial distress;
- A current determination by another federal or state agency of qualification of matching funds based on severe fiscal distress;
- A declaration as a fiscally distressed area by the state where the tribe is located;
- Declaration of bankruptcy by a court of law;
- Being placed in receivership, or its functional equivalent, by a state or the federal government;
- Filing for bankruptcy, receivership, or similar measure, with the request for relief pending; or
- Other documentation of severe financial distress not accounted for by the above criteria.

### ***How are we notified if a waiver is granted?***

Generally, the cover letter and Financial Clearance Memorandum in your grant award package will indicate whether your request for a waiver was granted. If your agency applied for a post-award waiver, you will also receive written notification of our decision. Under some circumstances, agencies that receive waiver approval will receive a Modified Award Document and budget clearance documents. If so, the Modified Award Document must be signed and returned to the COPS Office to accept the waiver. If your agency received a waiver and you have additional questions, please contact your Tribal Grant Program Specialist.

Please note that even if you did receive a waiver, you are still required to develop and implement your retention plan for the continuation of the funded positions following the conclusion of the federal assistance.

### ***How do we appeal the denial of a waiver?***

If your agency's waiver request was denied and you would like to appeal the decision, please submit your written appeal to:

U.S. Department of Justice  
Office of Community Oriented Policing Services (COPS)  
Attn: Deputy Director for Operations  
1100 Vermont Avenue, NW  
Washington, DC 20530

(For overnight delivery, please use 20005 as the zip code.)

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## **V. Financial Records Maintenance**





## V. FINANCIAL RECORDS MAINTENANCE

Under the TRGP grant, your agency is required to establish and maintain accounting systems and financial records to accurately account for funds awarded and disbursed. These records must include both federal funds and all matching funds.

### **Accounting Systems**

#### *What accounting systems are required?*

Your agency needs to establish and maintain accounting systems and financial records to accurately account for funds awarded. These records must include both federal funds and matching funds from state, local, and tribal governments and/or private sources.

Your accounting system should:

- Present and itemize approved costs of training, equipment, technology, and salaries and benefits, and show the actual costs of these items;
- Demonstrate that funds are spent in compliance with your grant conditions; and
- Be able to provide the necessary information for periodic review and audit.

#### *What records must be kept?*

Your agency's fiscal control and accounting systems should enable you to make accurate, current, and complete disclosure of the financial activity under your TRGP grant. Your accounting records should contain information showing expenditures under the grant and must be supported by items such as payrolls, time and attendance records, canceled checks, or similar documents. Your agency must adequately safeguard grant funds and make sure that they are used for authorized purposes only. Your agency will be responsible for refunding any unallowable expenses.

#### *How long must documents be kept?*

All financial records, including payrolls, time and attendance records, canceled checks, and similar documents associated with your COPS TRGP grant should be kept for at least three years from the date that COPS officially closes the grant. If any litigation, claim, negotiation, audit, or other action involving these records has been started before the end of the three-year period, the records should be kept until completion of the action. These records should be easily located and should be properly protected against fire or other damage. *Failure to maintain adequate records to document grant expenditures may result in a requirement to repay all federal funds that cannot be supported with appropriate records.* Your agency should maintain records so that you can identify them by grant year or by fiscal year, whichever you find more convenient.



*What if we have more than one grant?*

If your agency has more than one COPS grant or grant from another federal agency, funds received under one project may not be used to support another project. Your accounting systems and financial records must reflect expenditures for each project separately.

*Who may access our records?*

Authorized federal representatives, including representatives of the U.S. Department of Justice, the Comptroller General of the United States, the COPS Office, and any entity designated by the COPS Office may access these records for the purposes of conducting audits, site visits or other examinations.

Records should be kept for at least three years from the date that the COPS Office has officially closed your agency's grant.

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## **VI. Federal Audit Requirements**







## VI. FEDERAL AUDIT REQUIREMENTS

### **Audit Requirements**

In addition to oversight, guidance and counsel provided by the COPS Office, your grant may be subject to an audit by independent examiners. The two primary types of audit are Single Audit Act (SAA) audits and Department of Justice (DOJ) Office of the Inspector General (OIG) audits.

#### *What are the regulations governing SAA requirements?*

The Single Audit Act of 1984 established uniform guidelines for state and local governments receiving federal financial assistance. The 1984 Act was amended in July 1996 to reflect revised audit criteria and reporting requirements. The Office of Management and Budget Circular A-133, Audits of States, Local Governments and Non-Profit Organizations, provides additional guidelines regarding the implementation of SAA requirements.

#### *Who must have an SAA audit?*

Each non-federal entity that expends a total amount of federal awards equal to or in excess of \$500,000 in a fiscal year is required to have a Single Audit conducted except when it elects to have a program-specific audit conducted. SAA audits are conducted annually unless a state or local government is required by constitution or statute, in effect on January 1, 1987, to undergo audits less frequently than annually. The primary objective of an SAA audit is to express opinions on the grantee's financial statements, internal controls, major and non-major grant programs, and compliance with government laws and regulations. Single audits may also address specific compliance issues with respect to COPS grant requirements.

Your Single Audit Act reports **should not** be sent to the COPS Office. If the U.S. Department of Justice is your Cognizant Federal Agency (see the Glossary of Terms for definition), they should be sent to the Federal Audit Clearinghouse at:

Federal Audit Clearinghouse  
Bureau of Census  
1201 E. 10th Street  
Jeffersonville, IN 47132

The U.S. Department of Justice, Office of Justice Programs (OJP) serves as the liaison between grantees and auditors in the conduct of SAA audits. Questions and comments regarding OIG audits and SAA audits may be directed to the COPS Response Center at 800.421.6770.

#### *What is the role of the Office of the Inspector General?*

The OIG is a separate component of the Department of Justice and is independent of the COPS Office. The primary objective of OIG audits is to assess compliance with grant conditions. OIG audits are designed to promote economy, efficiency, and effectiveness in the administration of grants by evaluating compliance with laws, regulations, and policies/procedures governing the operations encompassed in the scope of the audit.



### *On what basis are COPS grants selected for an OIG audit?*

Occasionally, the OIG conducts a COPS grant audit in response to a referral that the OIG believes warrants further evaluation. The OIG also surveys DOJ agencies on an annual basis to solicit input on suggested audit areas for the upcoming fiscal year. In most instances, however, the OIG selects grants based on a number of factors, including the geographical distribution of grants awarded, award amount, population served, and type of grant. As such, the fact that your grant has been selected for an OIG audit is not necessarily indicative of a suspected concern or problem area.

The COPS Audit Liaison Division serves as the liaison between grantees and the OIG's Audit Division, which conducts the audits. Questions and comments regarding the administration of your TRGP grant, not specifically related to an audit, should be referred to your Tribal Grant Program Specialist.

### **Typical Audit Findings**

The OIG has typically reported the following audit findings pertaining to grants as a result of lack of proper documentation, poor business practices, or inadequate accounting and record keeping systems:

- Unallowable costs - Grantee incurred costs which were not approved in the original budget, were in excess of the approved budget, or were charged to the grant after the expiration date and a grant extension was not obtained.
  - Unsupported costs - Specific grant expenditures and reimbursements could not be supported, or grant expenditures were in excess of actual grant costs.
  - Unsupported local match contributions - Grantee did not have adequate accounting and record keeping systems to identify the source(s) of local matching contributions, when the local matching contributions were made, and/or the amount of contributions.
  - Lack of complete programmatic and financial reporting - Grantee failed to submit required programmatic and financial reports in a timely manner and/or had inadequate record keeping systems.
  - Lack of adequate community policing - Grantee had difficulty demonstrating community policing activities.
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## **VII. Reports**



## VII. REPORTS

Periodically, your agency will be asked to provide two types of reports: Program Progress Reports and Financial Status Reports. *Failure to submit complete reports, or submit them in a timely manner, may result in the suspension and possible termination of your agency's COPS grant funding or other remedial actions.*

### **Program Progress Reports**

Program Progress Reports are required as requested by the COPS Office during the life of the grant. They will be sent to the grantee and must be completed and returned within the specified timeframe.

#### *How often will Progress Reports be requested?*

Program Progress Reports will be requested annually. If your agency received both a TRGP Hiring and a TRGP Equipment/Training grant, you will be required to complete a separate report for each grant.

#### *What kind of information will these reports require?*

These reports will request information about the status of your grant in terms of selection, hiring, or training; characteristics of the officers you have hired; descriptions of officer activities; purchase of equipment and technology; and general information about your department. You also will be asked about progress you have achieved in implementing community policing.

### **Financial Status Reports**

Your agency is required to submit quarterly Financial Status Reports (FSRs) using a Standard Form 269A (SF-269A). This report reflects the actual federal monies spent and unliquidated obligations incurred, local matching contributions, and the unobligated balance of federal funds.

#### *How are grant funds monitored?*

The COPS Office and designated representatives from the Office of the Comptroller, Office of Justice Programs monitor the financial aspects of your agency's grant through financial reports, meetings, telephone contacts, reports, audits, review of grant change requests, and special request submissions. Information may also be requested during an on-site visit.

#### *How do we file Financial Status Reports?*

The FSR is due at the COPS Office no later than 45 days following each calendar quarter. Grantees who do not submit SF-269As by the due date will be unable to draw down funds. The payment systems contain a function that checks for SF-269A delinquency and will reject a drawdown attempt if the SF-269A is not up-to-date. A *Helpful Hints Guide for Completing FSRs* is available at COPS Online ([www.cops.usdoj.gov](http://www.cops.usdoj.gov)) or by calling the COPS Response Center at 800.421.6770.

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A blank copy of the SF-269A form is included in your award package. Please make copies of the blank form (both sides) and retain them for future use. Fax completed forms to:

COPS Finance Division Control Desk: 202-616-9004  
Alternative Fax: 202-514-2852

Or mail to:

U.S. Department of Justice  
Office of Community Oriented Policing Services  
Attention: COPS Finance Division Control Desk  
1100 Vermont Avenue, NW  
Washington, DC 20530  
(For overnight delivery, please use 20005 as the zip code.)

Grantees are also encouraged to submit their SF-269A reports via the Internet at:

<http://grants.ojp.usdoj.gov>

For your first SF-269A submission, use the chart below to determine when the most recent SF-269A reporting quarter ended and complete an SF-269A to cover the period from the award start date of your grant to that particular end date. You are required to submit an SF-269A even if you have not spent any money or incurred any costs during a reporting period. The due dates for on-line filing of SF-269As are the same as for the submission of paper copies. The SF-269As must be submitted not later than 45 days after the last day of each reporting quarter as follows:

SF-269A Reporting Quarters	Due Date
Jan 1 — Mar 31	May 15
April 1 — Aug 14	Aug 14
July 1 — Sept 30	Nov 14
Oct 1 — Dec 31	Feb 14

Example:

Your award start date is 2/1/05 and your signed award was received and processed at COPS on 4/15/05. If the current date is 4/15/05, your first SF-269A would be due no later than 5/15/05 and would cover the period 2/1/05 (award start date) through 3/31/05 (most recent reporting quarter ended date). This SF-269A must be on file with the COPS Office so that you can successfully request a drawdown of funds through PAPRS (or LOCES as applicable).

The on-line SF-269A requires the same reporting information as the paper version. The use of this on-line application enables authorized users to view current and past SF-269As, and allows them to file or amend the SF-269A for the current quarter.

For on-line submissions, an email confirmation of OJP receipt of the SF-269A will be sent to the grantee at the email address listed by the grantee's registered user. Subsequent email reminders will be sent to the grantee at that email address if/when future SF-269As are delinquent.

For general information concerning on-line filing of SF-269A reports, go to [www.ojp.usdoj.gov/oc](http://www.ojp.usdoj.gov/oc) or contact the OJP Office of the Comptroller, Customer Service Center by phone at 1-800-458-0786 (at option 2) or by email at [askoc@ojp.usdoj.gov](mailto:askoc@ojp.usdoj.gov).

### **Contact Points to Obtain Technical Assistance and Report Non-Compliance**

Any alleged violations, serious irregularities, or acts that may result in the use of public funds in a manner inconsistent with the Public Safety Partnership and Community Policing Act of 1994 or the purposes of this grant must be reported to the U.S. Department of Justice. Furthermore, the COPS Office welcomes the opportunity to provide assistance regarding the implementation of grant provisions to help ensure that federal grant funds are spent responsibly. As such, the following contacts are provided to address non-compliance and technical assistance issues:

- If you suspect violations of a criminal nature, please contact the Office of the Inspector General's Hotline at 800.869.4499.
- If you suspect non-compliance (not criminal in nature) as it relates to the grant conditions listed in this manual, please contact the COPS Grant Monitoring Division at 202.514.9202.
- If you have any questions and/or need assistance regarding your grant, please contact your COPS Tribal Grant Program Specialist at 800.421.6770.

Assistance regarding community policing plans and practices may also be obtained by contacting the COPS Office Training and Technical Assistance Division at 800.421.6770.

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## **VIII. When The Grant Period Has Ended**





## VIII. WHEN THE GRANT PERIOD HAS ENDED

At the end of your agency's TRGP grant period, the COPS Office is responsible for the "closeout" of your grant. As part of this process, the COPS Office requires documentation demonstrating that your agency has completed all the work required of the grant and that your grant is eligible for closeout.

After the end of the grant period, your agency will be asked to submit a final Financial Status Report and any applicable final program reports.

### **Final Financial Status Report**

The final Financial Status Report (SF-269A) for your grant is due to the COPS Office no later than 90 days after the end of the grant period. The final report should reflect the total amount of federal expenditures, the total amount of matching contributions, and the amount of unobligated funds, if any. Any unobligated or unspent funds will be deobligated from the award amount.

### **Final Program Progress (Closeout) Report**

After your grant period has ended, your agency may be sent a final progress or closeout report from the COPS Office and asked to complete it. This report will serve as your agency's final programmatic report on the grant, and the information your agency provides in this report will be used to make a final assessment of your grant progress.

### ***When should all of the grant monies be spent?***

Grant funds reflecting allowable project costs must be obligated before the end of the grant period. Obligated funds cover monies spent and expenses that your agency has incurred but not yet paid. Your agency has up to 90 days after the end of the grant period to request reimbursement for the funds obligated.





## **IX. Conclusion**





## IX. CONCLUSION

We hope that this manual has assisted you and your agency with your grant questions. We welcome and encourage any comments you have regarding the COPS Tribal Resources Grant Program and the materials we have developed for its administration. If you have specific comments regarding this manual, please send them to:

COPS Tribal Resources Grant Program  
Grant Owner's Manual  
1100 Vermont Avenue, NW  
Washington, DC 20530

(For overnight delivery, please use 20005 as the zip code.)

If you have any questions about your grant, please call your Tribal Grant Program Specialist at 800.421.6770.

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## **X. Glossary of Terms**





## X. GLOSSARY OF TERMS

### **Allowable Costs**

Allowable costs are expenses that may be funded by this grant program. The COPS Tribal Resources Grant Program (TRGP) provides funding for entry-level salary and benefits for newly hired, additional sworn officer positions, background checks, training, equipment and technology. Upon review of your submitted budget, any unallowable costs were removed, and your total budget amount was revised accordingly. The Financial Clearance Memorandum that was included in your award package will outline your allowable costs and note any relevant revisions that were made to your original budget submission.

### **Authorized Official**

The authorized officials are the individuals in your organization who have final authority and responsibility for all programmatic and financial decisions regarding this grant award. At the time of application, your agency listed the law enforcement executive (usually the Chief of Police, Director of Public Safety, etc.) and government executive (usually the Tribal President, Governor, etc.) for your agency. These executives are listed on your Award Document and are understood to be your authorized officials; if any of the executive information is incorrect, please submit the correct information to the COPS Office by completing an official Change of Information form (found through COPS Online at [www.cops.usdoj.gov](http://www.cops.usdoj.gov)).

### **Award Start Date**

This is the date on or after which your agency is authorized to spend funds to hire new, additional officers and/or purchase any allowable items approved under your TRGP grant. The award start date is found on your grant Award Document. Grantees may not expend funds, hire COPS-funded officers, or purchase approved items prior to this date without the written approval of the COPS Office.

### **Career Law Enforcement Officer**

A career law enforcement officer is an officer hired on a permanent basis who is authorized by law or by a state or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal law.

### **Catalog of Federal Domestic Assistance (CFDA)**

The CFDA is an annual government-wide publication that contains a description and index of all forms of federal assistance. Each program is assigned a "CFDA number" which is used by auditors to track grant revenues under the Single Audit Act. It is also used by participating states by State Single Points of Contact in conducting the required intergovernmental reviews under Executive Order 12372. The COPS CFDA number is 16.710.



### Closeout

After the end of your grant period, the COPS Office is responsible for the "closeout" of your grant. To fulfill this requirement, we will determine that you, as well as the COPS Office, have completed all of the work required by the grant.

### Cognizant Federal Agency

Your Cognizant Federal Agency is generally the federal agency that provides your government agency with the most federal money. Your Cognizant Federal Agency may have already been assigned to you by the Office of Management and Budget (OMB). If this is the first federal grant that your organization has received, the U.S. Department of Justice (DOJ) is your Cognizant Federal Agency.

### Community Policing

Community policing is a policing philosophy that promotes and supports organizational strategies to address the causes and reduce the fear of crime and social disorder through problem solving tactics and community-police partnerships. A fundamental shift from traditional, reactive policing, community policing stresses the prevention of crime. Community policing is an integral part of combating crime and improving the quality of life in the nation's cities, towns, tribal communities, and rural areas. Core components of community policing include partnering with the community; problem solving; and transforming policing agencies to support and empower frontline officers, decentralize command and encourage innovative problem solving. All federal funds received from the COPS Office are to be applied to the implementation and promotion of the community policing philosophy in law enforcement. Under the Tribal Resources Grant Program, community policing training is mandatory for all grantees that have not previously been awarded a TRGP grant. Training will be delivered by the Regional Community Policing Institutes under the auspices of the COPS Office. If you are a first-time TRGP grantee, your agency will be contacted about such training in the near future. Information about the Regional Community Policing Institutes may be obtained from COPS Online at [www.cops.usdoj.gov](http://www.cops.usdoj.gov) or by contacting COPS at 800.421.6770.

### COPS Finance Division

The COPS Finance Division handles your agency's financial and budgetary needs related to this TRGP grant. A Staff Accountant has been assigned to your state, and is available to answer any questions that you may have concerning the financial aspects of your agency's grant. To identify your Staff Accountant, refer to COPS Online at [www.cops.usdoj.gov](http://www.cops.usdoj.gov) or call 800.421.6770.

### COPS Office

The Office of Community Oriented Policing Services (COPS) is the division of the U.S. Department of Justice that is the "grantor agency" for your TRGP grant. The COPS Office is responsible for assisting your agency with the administration and maintenance of your grant for the entire grant period. You can reach the COPS Office at 800.421.6770.

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### **Data Universal Numbering System (DUNS) Number**

Starting in FY 2004, the Office of Management and Budget (OMB) requires all agencies applying for federal funding to obtain this number prior to application. The DUNS number is a unique nine-digit identification number that is assigned upon request to agencies by Dun & Bradstreet (D&B). This number will be issued by the federal government to better track grant recipient information throughout the grant cycle and to provide consistent name and address data for electronic grant application systems. To obtain a DUNS number, visit the Dun and Bradstreet website at [www.dnb.com](http://www.dnb.com) or call 866.705.5711.

### **Federally Recognized Tribes**

These are tribal entities that are Federally Recognized and are eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. They are acknowledged to have the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, power, limitation and obligations of such tribes. For further information, contact: Bureau of Indian Affairs, Division of Tribal Government Services, MS-4631-MIB, 1849 C Street NW, Washington, DC 20240, 202.208.2475.

### **Financial Clearance Memorandum**

A Financial Clearance Memorandum is generated and signed by a Finance Staff Accountant providing approval of the budget and detailing the total project cost, federal share, and applicant share.

### **Grant Number**

The grant number identifies your agency's specific grant and can be found on your grant Award Document in the following format: YEAR-HHWX-0000 for hiring grants and YEAR-HEWX-0000 for equipment and training grants. When calling the COPS Office, please have your grant number available, as it will assist staff in determining to which grant you are referring.

### **Matching Funds/Local Match**

Under the COPS Tribal Resources Grant Program, the COPS Office provides up to 75 percent of the total project cost. The maximum that the COPS Office can pay per new law enforcement officer for the three-year grant period is \$75,000 for entry-level salary and fringe benefits and 75 percent of project costs associated with training, technology, equipment, and/or vehicles. Grantees are responsible for a local match of at least 25 percent of the total project cost unless a waiver of the local match is granted (see "Meeting the Local Match," Section IV of this manual, for more information). The match must be a cash match and paid with state, local, tribal and/or other non-COPS funds. Bureau of Indian Affairs funding may be used for this purpose. Additionally, the source of your agency's local match may not be from any funds previously budgeted for law enforcement purposes. Grantees are responsible for any additional project costs in excess of approved funding as outlined in the agency's Financial Clearance Memorandum.



### **Obligation of Funds**

The COPS Office "obligates" federal funds when the Director or his designated official signs the grant Award Document. For the grantee, grant funds are obligated when monies are spent or orders are placed for purchasing approved items under the TRGP program. The term "encumbrance" is often used at the local and state levels to describe this type of transaction. Liquidated obligations are considered cash outlays or monies actually spent. Unliquidated obligations are obligations incurred and recorded but not yet paid (accrual basis of accounting) or not yet recorded and not yet paid (cash basis of accounting).

### **OJP Vendor Number/EIN Number**

The EIN number is your agency's nine-digit federal tax identification number as assigned to you by the IRS. In some cases, the EIN has been previously assigned to another agency within your jurisdiction. In that instance, a new vendor number will be assigned to you by the Office of the Comptroller. The newly assigned OJP vendor number is to be used for administrative purposes only and should not be used for IRS purposes.

### **Originating Agency Identifier (ORI) Number**

This number is assigned by the FBI, and it is your agency's unique identifier. The first two letters are your state abbreviation, the next three numbers are your county's code, and the final two numbers identify your jurisdiction within your county. It can be found on your grant Award Document. If your agency does not have an ORI number assigned by the FBI, the COPS Office assigns a non-official ORI code to use as an agency identifier (the last two digits will be "Z" if your code is a non-official ORI code). When you contact the COPS Office with a question, please reference your agency's ORI number and/or your grant number.

### **The Public Safety Partnership and Community Policing Act of 1994**

The purposes of the Act are to:

- Substantially increase the number of law enforcement officers interacting with members of the community;
- Provide additional and more effective training to law enforcement officers to enhance their problem-solving, service, and other skills needed in interacting with members of the community;
- Encourage the development and implementation of innovative programs to permit members of the community to assist law enforcement agencies in the prevention of crime; and
- Encourage the development of new technologies to assist law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime.

The COPS Office is charged with fulfilling the mandates of this law.

### **Supplanting**

For the purpose of your COPS TRGP grant, supplanting means replacing state, local, tribal and/or Bureau of Indian Affairs funds that otherwise would have been spent on law enforcement purposes with federal COPS funds. Your agency is prohibited from

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supplanting throughout the grant period, which means that you may not use COPS funds to pay for any sworn officers (full-time, part-time, reserve, or other paid officer positions) who otherwise would have been employed in the absence of the COPS program. You may not use COPS funds to purchase anything that otherwise would have been purchased with state, local, or BIA funds in the absence of the COPS program. COPS funds must instead be used to supplement or increase your law enforcement budget. For additional information on supplanting, please review Grant Condition #2 in this manual.

### **Technology**

Allowable technology items can include computer hardware, software, mobile data computers, communication systems, dispatch systems, NIBRS-compliant crime data systems, and installation and training costs associated with technologies.

### **Training**

Basic law enforcement training is required for all new officer positions awarded under TRGP. All new officers hired should be registered to attend training within six months from their date of hire. Community policing and grant management training are required for all grantees that have not previously been awarded a TRGP grant. Computer training and/or technical assistance for systems, hardware, and/or software are allowable as set forth in your approved Financial Clearance Memorandum.

### **Uniforms and Basic Issue Equipment**

Allowable uniforms and basic issue equipment include items that are standard issue for new recruits, such as standard attire, dress attire, outerwear, footwear, hats, caps, gloves, badges, primary issue handgun, holster, bullet-proof vest, portable radio and holder, gun belt and accessories, pepper spray and holder, baton and baton holder, handcuffs and case/holder, manuals, reference books, notebooks, etc. All approved items were outlined on your Financial Clearance Memorandum.

### **Vehicles**

Allowable vehicles include standard police vehicles and basic vehicle accessories. Allowable vehicles may also include special conveyances such as motorcycles, snowmobiles, ATVs, or vehicles standard to the law enforcement agency and based on demonstrated need.

### **Waivers of the Local Match**

A waiver of the 25 percent local match requirement is available to applicants that demonstrate severe fiscal distress resulting in an inability to provide adequate law enforcement services. Requests for a waiver are considered on a case-by-case basis and must be made at the time of the application. Waivers are described in their entirety in Section IV of this manual, "Meeting the Local Match." Contact your Tribal Grant Program Specialist for further assistance. Except in extreme circumstances, and subject to funding availability, waiver requests will not be considered if they were not submitted with the original TRGP application.





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# **XI. Appendices**



## XI. APPENDICES

### **Appendix A**

#### List of Source Documents

##### *A. Primary Sources*

Public Safety Partnership and Community Policing Act of 1994, 42 U.S.C.

COPS Office Grant Monitoring Standards and Guidelines

##### *B. Secondary Sources*

##### *Code of Federal Regulations (CFR):*

28 CFR Part 23, "Criminal Intelligence Systems Operating Procedures"

28 CFR Part 66, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"

28 CFR Part 67, "Government-wide Requirements for Drug-Free Workplaces (Grants)"

28 CFR Part 69, "Government-wide New Restrictions on Lobbying"

28 CFR Part 70, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations"

31 CFR Part 205, "Treasury Department Regulations Implementing for Cash Management Improvement Act of 1990"

OMB Circular A-87, "Cost Principles for State and Local Governments"

OMB Circular A-133, "Audits of Educational Institutions"

Assurances for COPS TRGP 2005 (Included)

Executive Order 12547, "Non-Procurement Debarments and Suspension"

Executive Order 12372, 28 CFR Part 30 "Intergovernmental Review of Federal Programs"

OMB Circular A-129, "Managing Federal Credit Programs"

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4 CFR Parts 101-105 Department of Justice/General Accounting Office, "Joint Federal Claims Collections Standards"

5 CFR Part 1320, "Controlling the Paperwork Burden on the Public"

Executive Order 12291, "Regulations"

5 CFR Part 151, "Political Activities of State and Local Officials or Employees"

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## Appendix B – Assurances

Several provisions of federal law and policy apply to all grant programs. We (the Office of Community Oriented Policing Services) need to secure your assurance that the applicant will comply with these provisions. If you would like further information about any of these assurances, please contact your state's COPS Grant Program Specialist at (800) 421-6770.

By the applicant's authorized representative's signature, the applicant assures that it will comply with all legal and administrative requirements that govern the applicant for acceptance and use of federal grant funds. In particular, the applicant assures us that:

1. It has been legally and officially authorized by the appropriate governing body (for example, mayor or city council) to apply for this grant and that the persons signing the application and these assurances on its behalf are authorized to do so and to act on its behalf with respect to any issues that may arise during processing of this application.
2. It will comply with the provisions of federal law which limit certain political activities of grantee employees whose principal employment is in connection with an activity financed in whole or in part with this grant. These restrictions are set forth in 5 U.S.C. § 1501, et seq.
3. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, if applicable.
4. It will establish safeguards, if it has not done so already, to prohibit employees from using their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.
5. It will give the Department of Justice or the Comptroller General access to and the right to examine records and documents related to the grant.
6. It will comply with all requirements imposed by the Department of Justice as a condition or administrative requirement of the grant, including but not limited to: the requirements of 28 CFR Part 66 and 28 CFR Part 70, or the Federal Acquisition Regulations, as applicable (governing cost principles); OMB Circular A-133 (governing audits) and other applicable OMB circulars; the applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; 28 CFR Part 38.1; the current edition of the COPS Grant Monitoring Standards and Guidelines; and with all other applicable program requirements, laws, orders, regulations, or circulars.
7. If applicable, it will, to the extent practicable and consistent with applicable law, seek, recruit and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions in the agency.
8. It will not, on the ground of race, color, religion, national origin, gender, disability or age, unlawfully exclude any person from participation in, deny the benefits of or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. These civil rights requirements are found in the non-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789(d)); Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); Title II, Subtitle A of the Americans with Disabilities Act (ADA) (42 U.S.C. § 12101, et seq.); the Age Discrimination Act of 1975 (42 U.S.C. § 6101, et seq.); and Department of Justice Non-Discrimination Regulations contained in Title 28, Parts 35 and 42 (subparts C, D, E and G) of the Code of Federal Regulations.
9. In the event that any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, gender, disability or age against the applicant after a due process hearing, it agrees to forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, D.C. 20531.
10. Grantees that have 50 or more employees and grants over \$500,000 (or over \$1,000,000 in grants over an eighteen-month period), must submit an acceptable Equal Employment Opportunity Plan ("EEOP") or EEOP short form (if grantee is required to submit an EEOP under 28 CFR 42.302), that is approved by the Office of Justice Programs, Office for Civil Rights within 60 days of the award start date. For grants under \$500,000, but over \$25,000, or for grantees with fewer than 50 employees, the grantee must submit an EEOP Certification. (Grantees of less than \$25,000 are not subject to the EEOP requirement.)
11. Pursuant to Department of Justice guidelines (June 18, 2002 Federal Register (Volume 67, Number 117, pages 41455-41472)), under Title VI of the Civil Rights Act of 1964, it will ensure meaningful access to its programs and activities by persons with limited English proficiency.
12. It will ensure that any facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify us if advised by the EPA that a facility to be used in this grant is under consideration for such listing by the EPA.
13. If the applicant's state has established a review and comment procedure under Executive Order 12372 and has selected this program for review, it has made this application available for review by the state Single Point of Contact.
14. Pursuant to Executive Order 13043, it will enforce on-the-job seat belt policies and programs for employees when operating agency-owned, rented or personally-owned vehicles.



13. It will not use COPS funds to supplant (replace) state, local, or Bureau of Indian Affairs funds that otherwise would be made available for the purposes of this grant, as applicable.

14. If the awarded grant contains a retention requirement, it will retain the increased officer staffing level and/or the increased officer redeployment level, as applicable, with state or local funds for a minimum of one full local budget cycle following expiration of the grant period.

15. It will not use any federal funding directly or indirectly to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law ratification, policy or appropriation whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy or appropriation as set forth in the Anti-Lobby Act, 18 U.S.C. 1913.

False statements or claims made in connection with COPS grants (including cooperative agreements) may result in fines, imprisonment, disbarment from participating in federal grants or contracts, and/or any other remedy available by law. I certify that the assurances provided are true and accurate to the best of my knowledge.

Elections or other selections of new officials will not relieve the grantee entity of its obligations under this grant.

\_\_\_\_\_  
Signature of Law Enforcement Executive (or Official with Programmatic Authority, as applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Government Executive (or Official with Financial Authority, as applicable)

\_\_\_\_\_  
Date



## Appendix C – Certifications

### Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements Coordination with Affected Agencies.

Although the Department of Justice has made every effort to simplify the application process, other provisions of federal law require us to seek your agency's certification regarding certain matters. Applicants should read the regulations cited below and the instructions for certification included in the regulations to understand the requirements and whether they apply to a particular applicant. Signing this form complies with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 28 CFR Part 67, "Government-Wide Debarment and Suspension (Nonprocurement)," 28 CFR Part 83 Government-Wide Requirements for Drug-Free Workplace (Grants)," and the coordination requirements of the Public Safety Partnership and Community Policing Act of 1994. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered grant.

#### 1. Lobbying

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

A. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment or modification of any federal grant or cooperative agreement;

B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

#### 2. Debarment, Suspension and Other Responsibility Matters (Direct Recipient)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.440 -

A. The applicant certifies that it and its principals:

(i) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;

(ii) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) or private agreement or transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously affects your present responsibility.

(iii) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (A)(ii) of this certification; and

(iv) Have not within a three-year period preceding this application had one or more public transactions (federal, state or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

#### 3. Drug-Free Workplace (Grantees Other Than Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, for grantees, as defined at 28 CFR Part 83, Sections 83 and 83.510 -

A. The applicant certifies that it will, or will continue to, provide a drug-free workplace by:

(i) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(ii) Establishing an on-going drug-free awareness program to inform employees about -

(a) The dangers of drug abuse in the workplace;

(b) The grantee's policy of maintaining a drug-free workplace;



(c) Any available drug counseling, rehabilitation and employee assistance programs; and

(d) The penalties that may be imposed upon employees for drug-abuse violations occurring in the workplace;

(iii) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (i);

(iv) Notifying the employee in the statement required by paragraph (i) that, as a condition of employment under the grant, the employee will -

(a) Abide by the terms of the statement; and

(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(v) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (iv)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: COPS Office, 1100 Vermont Ave., NW, Washington, D.C. 20530. Notice shall include the identification number(s) of each affected grant.

(vi) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (iv)(b), with respect to any employee who is so convicted -

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency;

(vii) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (i), (ii), (iii), (iv), (v) and (vi).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of performance (street address, city, county, state, zip code)

\_\_\_\_\_

Check ☐ if there are workplaces on file that are not identified here.

#### 4. Coordination

The Public Safety Partnership and Community Policing Act of 1994 requires applicants to certify that there has been appropriate coordination with all agencies that may be affected by the applicant's grant proposal if approved. Affected agencies may include, among others, the Office of the United States Attorney, state or local prosecutors, or correctional agencies. The applicant certifies that there has been appropriate coordination with all affected agencies.

Grantee Agency Name and Address:

\_\_\_\_\_

\_\_\_\_\_ Grantee IRS/ Vendor Number: \_\_\_\_\_

False statements or claims made in connection with COPS grants (including cooperative agreements) may result in fines, imprisonment, disbarment from participating in federal grants or contracts, and/or any other remedy available by law.

I certify that the assurances provided are true and accurate to the best of my knowledge.

Elections or other selections of new officials will not relieve the grantee entity of its obligations under this grant.

Typed Name and Title of Law Enforcement Executive (or Official with Programmatic Authority, as applicable):

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Typed Name and Title of Government Executive (or Official with Financial Authority, as applicable):

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## Appendix D – NIJ Standards of Bullet-Proof Vests

The following information was adapted from NIJ Guide 100-98, "Selection and Application Guide to Police Body Armor." The publication in its entirety may be requested from:

**National Institute of Standards and Technology**  
**Office of Law Enforcement Standards (OLES)**  
**Technology Building (225), Room A323**  
**Gaithersburg, MD 20899**  
**(301) 975-2757**

*"NIJ's policy on body armor has always been that preserving the life of the police officer is the sole criteria on which to judge body armor effectiveness. At present, an officer may select a garment that corresponds to an appropriate threat level and be confident that armor in compliance with NIJ's standard will defeat the stated threat level."*

### **Type I (.22 LR; .38 Special)**

Type I body armor is light. This is the minimum level of protection every officer should have and the armor should be routinely worn at all times while on duty. Type I body armor was the armor issued during the NIJ demonstration project in the mid-1970's. Most agencies today, however, because of increasing threats, opt for a higher level of protection.

This armor protects against .22 Long Rifle High-Velocity lead bullets, with nominal masses of 2.6 g (40gr), impacting at a velocity of 320 m/s (1,050 ft/s) or less, and against .38 Special roundnose lead bullets, with nominal masses of 10.2 g (158 gr), impacting at a velocity of 259 m/s (850 ft/s) or less. It also provides protection against most other .25 and .32 caliber handgun rounds.

### **Type II-A (Lower Velocity .357 Magnum; 9mm)**

Type II-A body armor is well suited for full-time use by police departments, particularly those seeking protection for their officers from lower velocity .357 Magnum and 9mm ammunition.

This armor protects against .357 Magnum jacketed soft-point bullets, with nominal masses of 10.2 g (158 gr), impacting at a velocity of 381 m/s (1,250 ft/s) or less, and against 9mm full-metal jacketed bullets, with nominal masses of 8.0 g (124 gr), impacting at a velocity of 332 m/s (1,175 ft/s). It also protects against such threats as .45 Auto., .38 Special +P, and some other factory loads in caliber .357 Magnum and 9mm, as well as the Type I threats.

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### **Type II (Higher Velocity .357 Magnum; 9mm)**

Type II body armor is heavier and more bulky than either Types I or II-A. It is worn full-time by officers seeking protection against higher velocity .357 Magnum and 9mm ammunition.

This armor protects against .357 Magnum jacketed soft-point bullets, with nominal masses of 10.2 g (158 gr), impacting at a velocity of 425 m/s (1,395 ft/s) or less, and against 9mm full-jacketed bullets, with nominal velocities of 358 m/s (1,175 ft/s). It also protects against most other factory loads in caliber .357 Magnum and 9mm, as well as the Type I and II-A threats.

### **Type III-A (.44 Magnum; Submachine Gun 9mm)**

Type III-A body armor provides the highest level of protection currently available from concealable body armor and is generally suitable for routine wear in many situations. However, departments located in hot, humid climates may need to evaluate the use of Type III-A armor carefully.

This armor protects against .44 Magnum lead semi-wadcutter bullets with gas checks, nominal masses of 15.55 g (240 gr), impacting at a velocity of 426 m/s (1,400 ft/s) or less. It also provides protection against most handgun threats, as well as the Type I, II-A and II threats.

### **Type III (High-Powered Rifle)**

Type III body armor is clearly intended only for tactical situations when the threat warrants such protection, such as barricade confrontations involving sporting rifles.

This armor, normally of hard or semi-rigid construction, protects against 7.62 mm full-metal jacketed bullets (U.S. military designation M80), with nominal masses of 9.7 g (150 gr), impacting at a velocity of 838 m/s (2,750 ft/s) or less. It also provides protection against threats such as 223 Remington (5.56 mm FMJ), 30 Carbine FMJ, and 12-gauge rifled slug, as well as the Type I through III-A threats.

### **Type IV (Armor-Piercing Rifle)**

Type IV body armor provides the highest level of protection currently available. Because this armor is intended to resist "armor-piercing" bullets, it often uses ceramic materials. Such materials are brittle in nature and may provide only single-shot protection, since the ceramic tends to break up when struck. As with Type III armor, Type IV armor is clearly intended only for tactical situations when the threats warrant such protection.

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This armor protects against .30-06 caliber armor-piercing bullets (U.S. military designation AMP2), with nominal masses of 10.8 g (166 gr), impacting at a velocity of 868 m/s (2,850 ft/s) or less. It also provides at least single-hit protection against the Type I through III threats.

**Special Type**

A purchaser who has a special requirement for a level of protection other than one of the above standard threat levels should specify the exact test rounds and minimum impact velocities to be used and indicate that this standard shall govern in all other respects.





FOR MORE INFORMATION:

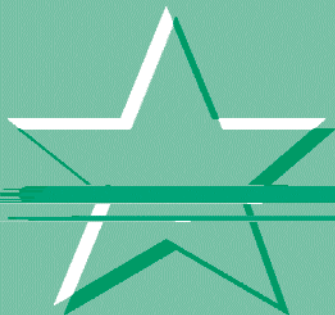
U.S. Department of Justice  
Office of Community Oriented Policing Services  
1100 Vermont Avenue, NW  
Washington, DC 20530

To obtain details on COPS programs, call the  
COPS Response Center at 800.421.6770

Visit COPS Online at the address listed below.

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